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affairs. *Pavesich v. New England Life Ins. Co.*, 122 Ga. 190, 50 S. E. 68, 69 L. R. A. 101, 106 Am. St. Rep. 104, 2 Ann. Cas. 561. Thus, where the plaintiff's picture was published without his authority in a paper recommending certain medicines to the public, it was held that an action for damages would lie without proof of special damage. *Foster-Milburn Co. v. Chinn*, 134 Ky. 424, 120 S. W. 364, 34 L. R. A. (N. S.) 1137, 135 Am. St. Rep. 417. Even these courts, while admitting the existence of such a right are divided as to its nature. Some properly base it on the right of privacy, while others contend that it is simply a property right. See *Edison v. Edison Polyform Mfg. Co.*, 73 N. J. Eq. 136, 67 Atl. 392. Both of these views, however, necessarily produce the same result. The only obstacles in the way of the unlimited recognition of this right are the rights of freedom of speech and freedom of the press. These latter rights, being guaranteed by the constitution, must be carefully guarded. But the right of privacy is also a common law right where it is recognized. Neither right can be lawfully used for the destruction of the other; they are concurrent and coexistent. *Pavesich v. New England Life Ins. Co.*, *supra*.

The right of privacy is peculiarly personal and an action brought to establish it must, without exception, be brought by the person wronged. See *Atkinson v. Doherty*, 121 Mich. 372, 80 N. W. 285, 45 L. R. A. 219, 80 Am. St. Rep. 507.

In the instant case the picture was taken from real life and was shown to the public immediately afterwards. The court, therefore, held properly that the picture corresponded to a news item and gave rise to no cause of action. To hold otherwise would be an infringement of the freedom of the press. But when the plaintiff's name and picture were posted in public places for the purpose of advertising the film a much closer case was presented. It might be reasonably contended that this publication was for trade purposes and not for the purpose of distributing news.

INSURANCE—MURDER BY BENEFICIARY—RIGHT OF ADMINISTRATOR OF INSURED TO RECOVER.—The beneficiary in an insurance policy murdered the person insured. The beneficiary, the wife of the insured, was the sole distributee of the estate of the deceased. The administrator of the estate brought an action against the insurance company for recovery on the policy. *Held*, the administrator cannot recover. *Johnston v. Metropolitan Life Ins. Co.* (W. Va.), 100 S. E. 865.

It is well settled by the weight of authority that a beneficiary under a life insurance policy cannot recover thereon when he has feloniously taken the life of the person insured. See *Mutual Life Insurance Company v. Armstrong*, 117 U. S. 591; *Richards, Law of Insurance*, 3rd ed., § 64. See also *Filmore v. Metropolitan Life Insurance Company*, 82 Ohio St. 208, 92 N. E. 26, 28 L. R. A. (N. S.) 675.

But it is equally well settled that the insurance company is not absolved from liability because of the fact that the beneficiary has become disqualified to claim his right under the policy. Under such circumstances, the company is liable to the administrator of the estate

of the person insured. *Cleaver v. Mutual Reserve Fund Life Ass'n*, L. R. [1892] 1 Q. B. 147; *Anderson v. Life Ins. Co.*, 152 N. C. 1, 67 S. E. 53; *Schmidt v. Northern Life Ass'n*, 112 Iowa 41, 83 N. W. 800, 51 L. R. A. 141.

It has frequently been held that where the statute of descents and distributions is clear and unambiguous, one claiming under the statute as heir or distributee of the estate of the deceased will not forfeit his right to the property of the deceased because of the fact that he killed, or claims through one who killed, the intestate. *Shellenberger v. Ransom*, 41 Neb. 631, 59 N. W. 935, 25 L. R. A. 564; *Carpenter's Appeal*, 170 Pa. St. 203, 32 Atl. 637, 29 L. R. A. 145, 50 Am. St. Rep. 765; *McAllister v. Fair*, 72 Kan. 533, 84 Pac. 112.

But, on the other hand, there are cases which support the doctrine as laid down in the principal case, that the administrator of the insured cannot recover on the policy if the beneficiary who caused the death of the insured is the sole distributee of the deceased. Thus, where the parents of the insured were her sole heirs and beneficiaries and had aided in procuring the performance of a criminal operation resulting in her death, it was held that the insured was not liable on the policy. *McDonald v. Mutual Life Ins. Co.*, 178 Iowa 863, 160 N. W. 289. In another case which bears out the doctrine of the instant case by analogy, the father of a twelve year old boy was a party to a contract of employment of this boy in violation of a State statutory provision. The boy was killed by an explosion in the mine in which he was employed. It was held that the father could not maintain an action for damages because his own wrong had contributed to the death of the decedent. *Dickinson v. Stuart Colliery Co.*, 71 W. Va. 325, 76 S. E. 654.

It would seem that the decision in the instant case is based upon sound principles of public policy. No one should be allowed to profit by his own wrong. If the beneficiary cannot recover directly upon the policy, she should not be allowed to get the benefit of the policy in an indirect manner as sole distributee of the estate of the deceased.

For the effect of the killing of the insured by an insane beneficiary, see 1 VA. LAW REV. 161.

INTERSTATE COMMERCE—STATE TAXATION—MUNICIPAL LICENSE TAX ON ITINERANT SALES.—A manufacturer of soft drinks in one State sent wagons into another State where cases of the bottled drinks were sold and delivered to retailers from the wagons. In this latter State there was a municipal license tax upon all wholesale dealers in soft drinks. The manufacturer objected to the payment of this tax upon the ground that it was a State regulation of Interstate Commerce. *Held*, the manufacturer is liable for the tax. *Wagner v. City of Covington*, 40 Sup. Ct. 93. For discussion of the principles involved, see 2 VA. LAW REV. 415.

INTERSTATE COMMERCE—TELEGRAPHS—TELEGRAM CROSSING STATE LINE.—A telegraph company transmitted a message between two points within a State by routing it through a point in another State. This was the customary route by which the company sent such messages. The